

## Message Text

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ACTION L-01

INFO OCT-01 SS-14 ISO-00 ARA-06 PM-03 SP-02 NSC-05 NSCE-00  
INR-05 CIAE-00 OES-02 IO-06 EUR-08 SAL-01 EB-07 /061 W  
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R 121227Z JAN 77  
FM AWMBASSY MONTEVIDEO  
TO SECSTATE WASHDC 2988  
INFO AMEMBASSY OTTAWA  
AMEMBASSY THE HAGUE

C O N F I D E N T I A L MONTEVIDEO 0148

LIMDIS

E.O. 11652: GDS  
TAGS: PLOS, PBOR, PFOR, ICJ, CA  
SUBJECT: POSSIBLE CANADA-U.S. ICJ SUBMISSION ON OFFSHORE BOUNDARY  
QUESTION

REF: STATE 005301

1. SUMMARY. EDUARDO  
JIMENEZ DE ARECHAGA HAS A LONG HISTORY OF WARM  
AND CLOSE TIES WITH THE U.S. AND WITH AMERICANS. HE WOULD NOT  
VOTE AGAINST THE U.S. IN A DISPUTE WITH CANADA BECAUSE OF ANY  
ANTI-AMERICAN FEELING. A MAN OF PRINCIPLE, THE ICJ PRESIDENT  
PROBABLY WOULD NEITHER SEEK NOR ACCEPT GUIDANCE FROM THE GOU, WHICH  
WOULD BE MOST UNLIKELY TO PROFFER IT IN ANY CASE. WE BELIEVE JIM-  
ENEZ DE ARECHAGA'S VOTE WOULD BE BASED ON HIS UNDERSTANDING OF  
THE FACTS AND HIS INTERPRETATION OF APPLICABLE INTERNATIONAL LAW.  
HIS MAJOR PUBLICATIONS DO NOT DEAL WITH LAW OF THE SEA AND  
HIS ATTITUDES ON THE SUBJECT ARE UNKNOWN. BIBLIOGRAPHY WILL BE  
CHECKED THOROUGHLY AND ANYTHING RELEVANT REPORTED. END SUMMARY.

2. EMBASSY FILES ON ICJ PRESIDENT JIMENEZ DE ARECHAGA GO BACK AL-  
MOST 30 YEARS. NOTHING IN THE MAN'S BACKGROUND OR OUR  
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CURRENT KNOWLEDGE OF HIM WOULD SUGGEST THAT HIS VOTE ON A DISPUTE  
WOULD BE INFLUENCED BY ANYTHING OTHER THAN HIS INTERPRETATION OF  
THE FACTS OF THE CASE AND APPLICABLE INTERNATIONAL LAW. UNFORTUN-  
ATELY, HIS BETTER KNOWN PUBLICATIONS DO NOT INCLUDE WORKS ON LAW  
OF THE SEA OR DELIMITATION. BIBLIOGRAPHY WILL BE CHECKED FURTHER  
AND WE WILL REPORT IF ANYTHING RELEVANT IS UNCOVERED.

3. WE DOUBT THAT JIMENEZ DE ARECHAGA WOULD BE EITHER SEEK OR ACCEPT GUIDANCE FROM THE GOU; WE ALSO DOUBT THAT IT WOULD BE K PROFERRED. THE ICJ PRESIDENT WAS UNDER SECRETARY OF FOREIGN AFFAIRS (BUT THAT WYJS 25 YEARS AGO) AND THE NEW FONMIN WORKED UNDER JIMENEZ DE ARECHAGA WHEN HE (JIMENEZ) WAS MINISTER OF THE INTERIOR. NEVERTHELESS, RELATIONS BETWEEN JIMENEZ DE ARECHAGA AND THE PRESENT GOU ARE NOT BELIEVED TO BE CLOSE. IN FACT, ONE OF JIMENEZ DE ARECHAGA'S MOST INTIMATE FRIENDS (AND HIS WIFE'S FIRST COUSIN) IS WILSON FERREIRA, THE GOU'S MOST OUTSPOKEN OPPONENT.

4. GIVEN, INTER ALIA, THE HARKIN AND KOCH AMENDMENTS, THE WITHDRAWAL OF OUR MILGROUP, AND THE CURRENT THREAT TO URUGUAYAN SHOE EXPORTS TO THE U.S., OUR RELATIONS WITH THIS COUNTRY ARE NOT AT AN ALL-TIME HIGH. HOWEVER, THERE IS NO REASON TO BELIEVE THAT IN A DISPUTE BETWEEN CANADA AND THE U.S. THAT THE GOU WOULD SIDE WITH THE CANADIANS EVEN IF IT HAD THE OPPORTUNITY. AS THE REFTEL STATES, CANADA MAY HAVE CEMENTED TIES WITH THE LDCS AND THE THIRD WORLD, BUT URUGUAY DOES NOT LOOK AT ITSELF AS A THIRD WORLD NATION AND CONSIDERS ITSELF ONLY marginally AS AN LDC. FOR SEVERAL YEARS CANADA HAS NOT HAD A RESIDENT AMBASSADOR HERE AND WHILE ITS RELATIONS WITH URUGUAY ARE CORRECT, THERE IS NO SIGN THAT THEY ARE PARTICULARLY CLOSE.

5. IF JIMENEZ DE ARECHAGA WERE TO BE GUIDED BY PERSONAL FEELINGS RATHER THAN LAW, WE BELIEVE HE WOULD TAKE THE SIDE OF THE UNITED STATES. HIS RELATIONS WITH BOTH OFFICIAL AMERICANS AND THE AMERICAN BUSINESS COMMUNITY (HE HEADED CONFIDENTIAL

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PEPSI COLA HERE AT ONE TIME) OVER THE YEARS HAVE BEEN WARM AND CLOSE. ONE OF HIS DAUGHTERS, VIRGINIA, BORN IN THE U.S. WHILE HE WAS AT THE UN, STILL CARRIES A U.S. PASSPORT. VIRGINIA, IN TURN, HAD A CHILD IN THE U.S. WHILE THERE WITH HER HUSBAND, A FULBRIGHT SCHOLAR, SOME YEARS AGO. THUS, JIMENEZ DE ARECHAGA IS FATHER AND GRANDFATHER OF AMERICAN CITIZENS. HIS FAMILY TIES WITH THE U.S. GO EVEN FURTHER. A SISTER, ESTHER, HAS WORKED IN THE CONSULAR SECTION OF THIS EMBASSY FOR SEVERAL YEARS AND THE EMBASSY, JUST A FEW MONTHS AGO, ARRANGED TO BRING IN A VITAL BRAIN VALVE FOR JIMENEZ DE ARECHAGA'S ELDEST DAUGHTER WHO SUFFERED A VERY SERIOUS ACCIDENT. TO BE ADDED TO ALL THESE INDICATORS IS THE FACT THAT JIMENEZ DE ARECHAGA AND HIS WIFE TRAVEL TO THE U.S. AT EVERY OPPORTUNITY, USUALLY AT LEAST ANNUALLY. THUS, IT DOES NOT SEEM POSSIBLE TO US THAT THIS PARTICULAR MEMBER OF THE INTERNATIONAL COURT WOULD EVER VOTE AGAINST THE U.S. BECAUSE OF ANY ANTI-AMERICAN FEELINGS. HE MIGHT DO SO ON A POINT OF LEGAL PRINCIPLE, BUT NOT ON THE BASIS

OF EMOTION.

6. EMBASSY RECORDS INDICATE THAT JIMENEZ DE ARECHAGA  
WAS A CLOSE FRIEND OF PROF. (AND FORMER ASSISTANT SECRETARY)  
COVEY OLIVER. THE DEPARTMENT MAY WISH TO CONTACT OLIVER  
WHO MIGHT KNOW OF JIMENEZ DE ARECHAGA'S VIEWS ON SPECIFIC  
LAW OF THE SEA MATTERS.  
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## Message Attributes

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**TAGS:** PLOS, PBOR, PFOR, PORG, CA, US, ICJ, (JIMENEZ DE ARECHAGA, EDUARDO)  
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